



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 5
103 South Gay Street, 8th Floor
Baltimore, MD 21202-4061

(410) 962-2822

July 14, 2006

Mr. William Gorham
4915 King Solomon Dr.
Annandale, VA 22003

Re: American Security Program, Inc.
Case 5-RD-1399

Dear Mr. Gorham:

The above-captioned case, petitioning for an investigation and determination of representatives under Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

The instant petition was filed on July 3, 2006, seeking to decertify the National Association of Special Police and Security Officers (NASPSO) as the representative of all full-time and regular part-time security officers employed by American Security Programs, Inc. (ASP) at 500 and 800 N. Capitol St., in Washington, D. C. At the time the instant petition was filed there was a valid written and executed collective-bargaining agreement between ASP and NASPSO which by its terms was effective from December 1, 2004 and continues to and including January 31, 2008. The collective-bargaining agreement contains substantial terms and conditions of employment and covers the employees involved in the petition.

Prior to the filing of this petition, you filed a deauthorization petition on March 20, 2006 in Case 5-UD-139. An election was conducted on April 24, 2006, after all parties including you executed a stipulated election agreement. In order to process that petition all parties agreed there was in existence at that time a collective-bargaining agreement which contained a union-security clause. The collective-bargaining agreement in that case is the same contract involved in the instant case. Therefore, given there is a valid collective-bargaining agreement, the sole issue in this case is whether the instant petition has been timely filed, or whether the collective-bargaining agreement is a bar to an election. *Hexton Furniture Co.*, 111 NLRB 342 (1955).

A contract such as the one involved in the instant case which has a fixed term of more than three years operates as a bar to a petition only for as much of its term as does not exceed three years. *General Cable Corp.*, 139 NLRB 1123 (1962). Therefore, this petition is premature. To be timely, you would have to file a petition on or between September 2, 2007 and October 2, 2007, or after December 1, 2007. Since the instant petition has not been filed timely it must be dismissed. *Deluxe Motel Furniture Co.*, 121 NLRB 995 (1958).

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by FILING AN APPEAL WITH THE EXECUTIVE SECRETARY, of the National Labor Relations Board, Franklin Court Building, 1099 14th Street, NW, Room 8820, Washington, D.C. 20570-0001, AND A COPY WITH ME. A copy of such request for review must be served on me and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and the reasons upon which it is based. The request for review (eight copies) must be received by the EXECUTIVE SECRETARY of the Board in Washington, D.C. by the close of business at 5:00 p.m. EDT on July 28, 2006. The request for review MAY NOT be filed by facsimile transmission. Upon good cause shown, however, the BOARD may grant special permission for a longer period within which to file. Requests for extension of time MAY be filed by facsimile transmission, and must be received no later than the time set above for the filing of the request for review. A copy of any such request for extension of time should be submitted to the Executive Secretary of the Board in Washington, DC, and a copy of any such request for extension of time should be submitted to me and to each of the other parties to this proceeding. If you mail the request for review, it should be postmarked no later than one day before the due date set forth above.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on me and on each of the other parties to this proceeding, and a copy must be served in the same or faster manner as that utilized for filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone followed by service of a copy by mail or telefax.

Very truly yours,

Wayne R. Gold
Regional Director

Enclosures

CERTIFIED MAIL NO. 7004 1160 0007 0057 0356

cc: Executive Secretary
National Labor Relations Board
Office Of Appeals, Rm. 8820
Franklin Court Building
1099 14th St., N. W.
Washington, D. C. 20570

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